

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

MORGAN STANLEY SMITH BARNEY LLC,

Plaintiff,

v.

CORBIN HOFFNER,

Defendant.

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CASE NO. 2:24-CV-14294

STIPULATED PRELIMINARY INJUNCTION

IT IS HEREBY STIPULATED AND AGREED, on consent by and between Plaintiff Morgan Stanley Smith Barney LLC (“Morgan Stanley”) and Defendant Corbin Hoffner (“Hoffner”) as follows:

1. Hoffner, and all those acting in concert with him, are preliminarily enjoined and restrained, directly or indirectly, from:

- a. Soliciting or attempting to solicit any Morgan Stanley client that was subject at any time to the Morgan Stanley Joint Production Arrangement Policy entered into by Hoffner as it pertained to his relationship with Samuel “Greg” Seaton or any client serviced by Hoffner in his individual capacity (collectively, the “Clients”), with respect to securities, commodities, financial futures, insurance, tax advantaged investments, mutual funds, or any other line of business in which Morgan Stanley or any of its affiliates is engaged (excluding Hoffner’s immediate family);
- b. using, disclosing or transmitting for any purpose any “Trade Secrets” or “Company Records,” as those terms are defined in the Morgan Stanley Financial Advisor Employment Agreement signed by Hoffner;
- c. Retaining, in any form, including without limitation original, copied, computerized, handwritten or any other form, any “Trade Secrets” or “Company Records.”

2. Hoffner, and anyone acting in concert or participation with him, are further ordered to return to Morgan Stanley all Trade Secrets or Company Records, whether in original, copied, computerized, handwritten or any other form, and to purge any such Trade Secrets or Company Records from their possession, custody, or control after providing all such information to Plaintiff's counsel, within twenty-four (24) hours from the date the Court's enters this Stipulated Preliminary Injunction;

3. Notwithstanding the foregoing, nothing contained in this Stipulated Preliminary Injunction shall prohibit Hoffner from: (a) returning phone calls to, responding to emails or other electronic communications from, or attending meetings requested by, Clients; (b) possessing any documents or information (i) provided directly to Hoffner by a Client after Hoffner's resignation from Morgan Stanley, or (ii) obtained from publicly available sources after Hoffner resigned from Morgan Stanley; or (c) processing account transfer requests from any Client or doing business with any Client after the Client's account transfers to Raymond James & Associates, Inc. ("Raymond James").

4. To the extent any Client initiates contact with Hoffner, Hoffner shall keep a contemporaneous log of all Clients indicating the client's name, date of communications, and whether such communications was in person, by phone, by letter, or by electronic communications. This paragraph excludes communications occurring with any Client after such Client has opened an account at Raymond James.

5. Morgan Stanley and Hoffner further stipulate that the parties waive their right to a preliminary injunction hearing in this proceeding, and that this Court need take no further action on Morgan Stanley's Motion for a Temporary Restraining Order and Preliminary Injunction.

6. The parties agree to waive their right to a hearing pursuant to Rule 13804 of the Financial Industry Regulatory Authority (“FINRA”) Code of Arbitration Procedure and agree to proceed with non-expedited arbitration proceedings before FINRA. This Stipulated Preliminary Injunction shall remain in effect pending a ruling by the FINRA panel on Morgan Stanley’s claim for permanent injunctive relief or until August 29, 2025, whichever is earlier. The parties further agree that no security is required to be posted by Morgan Stanley.

7. Morgan Stanley and Hoffner stipulate that by entering into this Stipulated Preliminary Injunction, they do not agree to or admit any liability or acknowledge any wrongdoing. In addition, this Stipulated Preliminary Injunction is without prejudice to any of Hoffner’s factual or legal defenses with respect to Morgan Stanley’s claims in FINRA arbitration between the parties, and no party hereto shall argue that this Stipulated Preliminary Injunction precludes the making of any substantive argument in the FINRA arbitration.

Dated: September 16, 2024

SHUMAKER, LOOP & KENDRICK LLP

FISHER & PHILLIPS LLP

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ATTORNEYS FOR PLAINTIFF MORGAN
STANLEY SMITH BARNEY LLC

ATTORNEYS FOR DEFENDANT
CORBIN HOFFNER

SO ORDERED.

SIGNED THIS _____ DAY OF SEPTEMBER, 2024.

JOSE E. MARTINEZ, J.